



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,283	12/11/2006	Birger J. Natvig	OPA 329	1861
23581 7590 09/05/2008 KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204				
EXAMINER				
MAYO, TARA L				
ART UNIT		PAPER NUMBER		
3671				
MAIL DATE		DELIVERY MODE		
09/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,283

Applicant(s)

NATVIG, BIRGER J.

Examiner

TARA L. MAYO

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "heavy" in claim 4 on line 2 is a relative term which renders the claim indefinite. The term "heavy" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of prosecution on the merits the Examiner has considered the term to mean any material capable of sinking the vessel. Claim 8 is similarly rejected and interpreted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 through 3, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Vatsvag (U.S. Patent Publication No. 2004/0258483 A1).

Vatsvag '483, discloses a method of removing an offshore jacket structure comprising the steps of providing a ballastable vessel (1), bringing said vessel into the vicinity of the jacket structure, ballasting the vessel so as to rotate a main section of the vessel, securing the vessel to the jacket structure and deballasting the vessel to raise the vessel with the jacket, wherein the vessel has a main buoyancy section (7) and two auxiliary buoyancy sections (8), the buoyancy section having an extension (4). Vatsvag '483, as best seen in Figure 5, further shows the vessel being located beyond 90° into contact with the jacket, its lower end substantially in contact with the seabed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 through 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vatsvag (U.S. Patent Publication No. 2004/0258483 A1).

Vatsvag '483 further teaches the vessel having a pump room (paragraph 0051) and a control room (inherent), and the lower ends of the auxiliary buoyant sections being rounded. Vatsvag '483 fails to teach the ballast being permanent. However, it would have been obvious to

one having ordinary skill in the art at the time of invention to modify the device disclosed by Vatsvag '483 such that it would additionally include permanent ballast since use of the same is a well known expedient in the art of marine structures and vessels for stabilization.

With regard to claim 5, Vatsvag '483 fails to teach the main buoyancy section as being generally planar and having in plan view substantially the outline of an isosceles triangle. However, it would have been obvious to one having ordinary skill in the art at the time of invention to make the buoyancy section of Vatsvag '483 substantially the shape of an isosceles triangle, since it has been held that the configuration of a claimed apparatus would have been an obvious design choice at the time of invention absent persuasive evidence that the particular configuration of the claimed apparatus is significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

Response to Arguments

7. Applicant's arguments, see the Remarks, filed 13 May 2008, with respect to the rejection(s) of claim(s) 5 under 35 USC §102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Vatsvag '483 in view of the statement of obviousness set forth above.

8. Applicant's arguments filed 13 May 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that Vatsvag '483 fails to teach a vessel, the Examiner appreciates Applicant's submission of the American Heritage entry for *vessel* but offers that a broad and reasonable interpretation of the term is more appropriately characterized by the entry for *vessel* at www.allwords.com:

¹ (*nautical*) A general term for all kinds of craft designed for transportation on water, such as ships or boats.

In response to Applicant's argument that the pivoting vessel of the prior art possesses significant drawbacks over Applicant's invention, the Examiner contends Applicant fails to limit the claimed method to performance by a single, isolated vessel as presented in the Remarks. Therefore, the method of the prior art meets that of the invention as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARA L. MAYO whose telephone number is (571)272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TARA L MAYO/
Primary Examiner, Art Unit 3671

tlm
02 September 2008

Application Number**Application/Control No.**

10/576,283

Examiner

TARA L. MAYO

**Applicant(s)/Patent under
Reexamination**

NATVIG, BIRGER J.

Art Unit

3671